

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 202004702	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 9:00 PM	Location of Incident: 233 Joralemon Street (Brooklyn Borough Hall Plaza Park)	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/15/2020 10:08 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/29/2020 11:28 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Patrick Sadowski	03558	961223	094 PCT
2. DTS Reynaldo Gonzalez	07198	923898	084 PCT
3. SGT Paul Aparo	00579	945137	077 PCT
4. POM Evgeny Kramar	5881	968548	094 PCT
5. POM Michael Hertrich	25789	945821	PBBN
6. POM Eddie Colon	9402	968338	041 PCT
7. SGT John Nicolosi	03027	950949	077 PCT
8. SGT Ryan Dwyer	00832	940115	INT UOU
9. DT3 Filip Glowa	00832	941820	104 DET
10. POM Paul Ragone	00832	949521	ESS 08
11. DT3 Patrick Mcclintock	04376	927170	034 DET
12. SDS Michael Dowd	02915	901485	JT T/F
13. DT3 Raven Bollingdavis	02888	938082	Q SVS
14. POM Andrew Tofalli	26431	955584	077 PCT
15. POM Michael Carnacchio	03857	960327	060 PCT
16. SGT Ross Nasierowski	03857	931846	INT CIS
17. DT3 Juancarlos Cruz	02658	933723	GANG BN
18. POM Stephen Fitzpatrick	00589	960546	072 PCT
19. DT1 Thomas Burke	127	883062	AUTO CR
20. POM Jason Truglio	10027	960035	113 PCT
21. DT3 Paul Ortiz	1198	943634	NARCBBN
22. LT William Brown	00000	947989	WARRSEC
23. SGT John Mcnamara	01808	942173	MTN PCT

<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>
24. DTS Donna Cerami	00151	941526	REC TNG
25. SGT John Henderson	00151	925622	F.T.S.
26. POM Peter Vergara	00151	947575	113 PCT
27. DT3 Karl Eckert	05084	922297	DBSI
28. SGT Akil Guy	03541	954274	079 PCT
29. SGT Damany Ferril	01434	947648	079 PCT
30. LT James Hart	00000	947065	079 PCT
31. SGT Desmond Noel	4606	935404	084 PCT
32. SGT Anthony Tai	05169	953465	084 PCT
33. SGT Flore Witherspoon	03224	937747	084 PCT
34. LT Zaka Rehman	00000	933238	084 PCT
35. POM Nathaniel Lester	18736	961885	077 DET
36. SGT Mohammad Ali	01098	949986	063 PCT
37. POM Christophe Bellore	05546	960227	122 PCT
38. DTS Victor Cardona	00446	934579	084 PCT
39. POM Patrick Chilton	04779	938221	PBBN SU
40. POM Justin Colon	24431	967013	067 PCT
41. DT2 Kaz Daughtry	03581	940052	C A B
42. DT3 Daniel Herzog	01423	931728	DB FCTF
43. POF Deborah James	24989	946496	C A B
44. POM Glen Alava	18809	949977	TB VTF
45. POM Kyle Clavin	08777	954645	113 PCT
46. POF Jessica Insauto	29081	937168	123 PCT
47. POM Matthew Ansbro	13974	954490	TB VTF
48. POM Keenen Adamsedwards	10378	953617	090 DET
49. SGT Eduardo Pena	01397	928944	D C M B
50. POM Arthur Krukowski	01741	924043	QNS CT
51. POM Daniel Grzan	01272	965735	019 PCT
52. POM John Martinez	17841	960888	072 PCT
53. POM Andrew Scampoli	29786	955454	WARRSEC
54. POM Ryesham Paulino	19211	962667	041 PCT
55. POM Richard Thybulle	17331	937628	TB VTF
56. POM Rekash Ramlogan	25051	955361	TB ATU
57. POM Dillan Krasteff	11140	951886	084 PCT
58. CPT Tarik Sheppard	00000	945351	C A B
59. SGT Adam Katrincic	03139	940328	BXROBSQ
60. POM Andrew Licul	18019	958818	C A B
61. CCA Jeffrey Maddrey	00000	899501	C A B
62. DT3 Lee Maldonado	3574	948083	WARRSEC
63. DT3 Michael Mccaffrey	02270	954111	075 DET
64. SGT David Mccann	00607	929484	073 PCT
65. SGT Keith Murphy	01557	942252	BOMB SQ
66. POM Cory Pilzer	09302	953254	120 PCT

<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>
67. SGT Ronald Sanchez	551	947454	PSA 2
68. CPT Frantz Souffrant	00000	939510	063 PCT
69. Raymond Spinella	00000	877007	P C O
70. SGT Michael Volpicella	01155	937699	123 PCT
71. POM Scott Zeitler	03301	949827	123 PCT
72. SGT Joseph Leiva	03119	947170	075 PCT
73. POM Michael Misilewich	03869	950892	075 PCT
74. POM Manny Sharma	31876	955473	075 DET
75. POF Kristina Lopez	19668	958832	075 PCT
76. POM Kevin Demott	14517	960448	TB ATU
77. POM Roodly Demorcy	03649	961736	075 PCT
78. POM Andrew Belcher	01072	960224	075 PCT
79. POM Thomas Rourke	12040	963727	075 PCT
80. POF Artemisa Caceres	19898	954586	075 PCT
81. SGT Kevin Paulsingh	03763	951023	088 PCT
82. POM Navdeep Kamboj	01242	961849	088 PCT
83. POM Ronald Calderon	02766	961664	088 PCT
84. POM Sean Sheehan	22033	946243	088 PCT
85. POM Bradley Arcos	14936	960170	088 PCT
86. POM Jiovanni Fierro	08212	961761	088 PCT
87. POM Daniel Prendergast	01776	965425	088 PCT
88. POM Edgar Veras	01177	933453	088 PCT
89. POM Ryan Lambert	13525	968557	088 PCT
90. CPT Gareth Kentish	00000	944095	047 PCT
91. SGT Edwin Aguilar	01082	942930	081 PCT
92. POM Steven Kamalic	12057	960740	081 PCT
93. POF Danielle Moses	01105	966234	081 PCT
94. POM Arturo Sanchez	08836	963740	081 PCT
95. POF Dionne Coe	26350	967006	081 PCT
96. POM Jake Hoina	07779	963572	081 PCT
97. POF Monika Szwakop	10651	966874	081 PCT
98. POM Brian McGurran	07808	963643	081 PCT
99. CPT Hector Barias	00000	934455	SRG 1
100. LCD Mark Jablonski	00000	922540	NARCBBN
101. LCD John Costin	00000	903693	NARCBBN
102. LT Roman Israilov	00000	932816	NARCBBN
103. LT Terence Obrien	00000	909630	NARCBBN
104. LT Forrest Hirsch	00000	941905	PBBN SU
105. CPT Mathew Byrnes	00000	945539	024 PCT
106. CPT Roger Sankerdiel	00000	929118	106 PCT
107. POM Joseph McDonald	03493	964642	060 PCT
108. POM Efrain Landau	09412	940357	C A B
109. POM Jasmin Dodic	20026	967848	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
110. POM Jan Rogowski	17628	955406	C A B
111. POM Daniel Castaldo	06682	950173	122 PCT
112. POM Frank Russo	14935	966319	C A B
113. POM Christophe Lillis	22969	965269	079 PCT
114. POM Daniel Shouler	13072	966337	079 PCT
115. POF Lela Banks	07366	953658	079 PCT
116. POM Joseph Santangelo	00271	949618	084 PCT
117. DT1 Wendell Stradford	03420	909167	DB SID
118. LT Randy Shapiro	00000	920831	CD IRS
119. POF Kelly Cuhaj	16348	957503	CON ADM
120. POM Anthony Benne	22167	946775	WTC CMD
121. POM Cory Bebnowski	16985	961640	TB ATU
122. POF Brittney Hickmon	12471	960669	TB ATU
123. POM James Mills	01069	966225	067 PCT
124. POM Kevin Seward	07213	959233	044 PCT
125. DI Joseph Hayward	00000	923936	060 PCT
126. POM Kyrollos Ebraheem	05451	963500	078 PCT
127. DTS Kamal Dahib	04318	936424	040 PCT
128. POM Galo Lopez	05604	933945	SRG 5
129. POM Paul Insauto	14771	930399	SRG 5
130. POM Nikolaos Kontarinis	04510	940341	SRG 5
131. POM Justin Palladino	30559	967239	044 PCT
132. POM Maxime Archange	15412	960169	060 PCT
133. SGT Ahmed Shohatee	04233	946247	060 PCT
134. POM Michael Said	11735	965796	061 PCT
135. POM Peter Damato	04433	928146	CD IRS

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: At the Borough Hall Plaza Park in Brooklyn, officers struck § 87(2)(b) with a baton.	
B. Officers	Force: At the Borough Hall Plaza Park in Brooklyn, officers used physical force against § 87(2)(b)	
C. An officer	Discourtesy: At the Borough Hall Plaza Park in Brooklyn, an officer acted discourteously towards § 87(2)(b)	
D. An officer	Abuse: At the Borough Hall Plaza Park in Brooklyn, an officer searched § 87(2)(b)'s backpack.	
E. An officer	Discourtesy: At the Borough Hall Plaza Park in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
F. An officer	Off. Language: At the Borough Hall Plaza Park in Brooklyn, an officer made remarks to § 87(2)(b) based on his gender.	
G. Officers	Abuse: At the Borough Hall Plaza Park in Brooklyn, officers seized § 87(2)(b)'s property.	
H. An officer	Discourtesy: In the vicinity of Borough Hall Plaza Park in Brooklyn, an officer spoke discourteously to § 87(2)(b)	

### Case Summary

On June 15, 2020, § 87(2)(b) filed this complaint with the IAB Command Center on behalf of § 87(2)(b) was not a witness to the incident. On June 29, 2020, the complaint was received at the CCRB. On July 7, 2020, § 87(2)(b) filed a duplicate complaint with the CCRB on behalf of § 87(2)(b).

On June 3, 2020, at approximately 9:00 p.m., in the vicinity of Borough Hall Plaza Park in Brooklyn, and in the midst of a large protest in and about Cadman Plaza, a group of approximately four unidentified officers struck § 87(2)(b) with batons and used force against him (**Allegations A and B: Force**, § 87(2)(g)). One of the officers pulled § 87(2)(b)'s backpack from his hands (**Allegation C: Discourtesy**, § 87(2)(g)) and searched it (**Allegation D: Abuse of Authority**, § 87(2)(g)). The officer threw the backpack and § 87(2)(b)'s bicycle lock on the ground (subsumed under **Allegation C**), spoke discourteously to § 87(2)(b) (**Allegation E: Discourtesy**, § 87(2)(g)), and made an offensive remark to § 87(2)(b) based on his gender (**Allegation F: Offensive Language**, § 87(2)(g)). The officers then seized § 87(2)(b)'s bicycle (**Allegation G: Abuse of Authority**, § 87(2)(g)). Another officer also in the vicinity of Borough Hall spoke discourteously to § 87(2)(b) (**Allegation H: Discourtesy**, § 87(2)(g)).

Multiple arrests and summonses resulted from this protest event (Board Review 01 -Board Review 02). § 87(2)(b) however, was not arrested nor summonsed.

Ninety-two (92) cellphone videos, six (6) commercial surveillance camera videos, and seventeen (17) police Body Worn Camera (BWC) videos, were received for this incident (Board Review 03- Board Review 23).

### Pleading Language for all allegations to be closed as officer unidentified

**Allegation (A) Force: At the Borough Hall Plaza Park in Brooklyn, officers struck § 87(2)(b) with a baton.**

**Allegation (B) Force: At the Borough Hall Plaza Park in Brooklyn, officers used physical force against § 87(2)(b).**

**Allegation (C) Discourtesy: At the Borough Hall Plaza Park in Brooklyn, an officer acted discourteously towards § 87(2)(b).**

**Allegation (D) Abuse of Authority: At the Borough Hall Plaza Park in Brooklyn, an officer searched § 87(2)(b)'s backpack.**

**Allegation (E) Discourtesy: At the Borough Hall Plaza Park in Brooklyn, an officer spoke discourteously to § 87(2)(b).**

**Allegation (F) Offensive Language: At the Borough Hall Plaza Park in Brooklyn, an officer made remarks to § 87(2)(b) based on his gender.**

**Allegation (G) Abuse of Authority: At the Borough Hall Plaza Park in Brooklyn, officers seized § 87(2)(b)'s property.**

**Allegation (H) Discourtesy: In the vicinity of Borough Hall Plaza Park in Brooklyn, an officer spoke discourteously to § 87(2)(b).**

### Known facts and general descriptions

§ 87(2)(b) (Board Review 24) rode his bicycle from Sheepshead Bay in Brooklyn, and headed to Cadman Plaza to observe and report on the protest that was occurring at the location. § 87(2)(b) worked as a § 87(2)(b) for § 87(2)(b). He was dressed in a white, red and blue stripped long sleeved shirt, dark pants, orange sneakers, and had a purple helmet, which had a strip of white duct tape with the inscription "Press" written on it in dark ink (Board Review 25). He also had a dark backpack, which contained a pocket size notebook, a light jacket, a bottle of water, and a U-shaped bicycle lock. § 87(2)(b) did not have a Press Pass that day, but carried his work ID in either his wallet or backpack. § 87(2)(b) arrived at Cadman Plaza at approximately 8:00 p.m.,

which he acknowledged was the time the Citywide mandatory curfew (Board Review 26) went into effect. There were hundreds of protestors and uniformed police officers in the streets and sidewalks. The majority of the protestors were walking southbound on Cadman Plaza West, and appeared to be heading towards Brooklyn Borough Hall. The officers on the other hand, many of whom wore helmets and were holding batons and riot shields, had formed an L-shaped line on the north end of Cadman Plaza West, and were walking slowly southbound on Cadman Plaza West towards the protestors. The officers appeared to issue the protestors commands to disperse due to the curfew, and it was possible an automated curfew message played on a loudspeaker. The protestors continued to march south on Cadman Plaza West, and were mostly singing and chanting protest slogans. § 87(2)(b) who had dismounted from his bicycle, but was still wearing his helmet, occasionally walked in the street with the protestors, while pushing his bicycle, and took pictures of the protest with his cellphone (Board Review 27). At some point, it began to rain heavily just as the protestors approached Borough Hall. The officers then began to move rapidly and “aggressively” towards the protestors from all sides of the street. Officers grabbed and appeared to arrest protestors within their reach, while the majority of the protestors ran or walked at a quicker pace. Some of the protestors also appeared to fight and struggle with the officers. § 87(2)(b) thus moved from the street to the sidewalk, and walked towards Borough Hall Plaza Park, which was directly behind Brooklyn Borough Hall. § 87(2)(b) did not recall seeing protestors or officers in the park, but acknowledged it was possible given that it was very dark inside the park and was raining. § 87(2)(b) took shelter underneath a food stand (Board Review 50), which was located toward<sup>s</sup> the exit of the park, and leaned his bicycle on the wall of the stand. § 87(2)(b) then attempted to place his notepad and cellphone in his backpack, but felt a hard object strike his left shoulder from behind. § 87(2)(b) fell to the ground, and landed on his side. He looked up, and saw what appeared to be four uniformed officers standing and crouching over him. § 87(2)(b) did not know if the officers said anything to him. It was so dark outside that § 87(2)(b) did not see the officers’ faces, did not know from which direction they approached from, nor did he know what was used to strike his shoulder. § 87(2)(b) believed he was struck with a baton, though did not recall seeing any of the officers holding batons. Two of the officers appeared to hold and pin § 87(2)(b) on the ground, while another officer snatched § 87(2)(b)’s backpack from his hand. The officer opened and reached inside § 87(2)(b)’s backpack, and said to § 87(2)(b) “What the fuck is in here?” § 87(2)(b) replied that he was a journalist, and that he had some personal items in the backpack. The officer then threw § 87(2)(b)’s backpack and bicycle lock, which the officer had removed from the backpack, on the ground next to § 87(2)(b). One of the officers, possibly the one who threw the backpack, then said to § 87(2)(b) “Take your shit, and get the fuck out of here, pussy.” The two officers holding § 87(2)(b) then released their grip off § 87(2)(b). § 87(2)(b) got up from the ground, and placed his bicycle lock and other items back into his backpack. He then saw one of the officers pushing his bicycle out of the park. § 87(2)(b) asked why the officers were taking his bicycle, and one of the officers said to § 87(2)(b) “It is not your bike anymore.” § 87(2)(b) again asked how he could retrieve his bicycle, but none of the officers responded. § 87(2)(b) could not describe any of the officers, except that they were all male and dressed in uniform, and that the officer who possibly searched his backpack was possibly 6’0” tall, and heavyset. § 87(2)(b) was not sure he could identify the officers if he saw pictures of them, and said his view of them was obstructed by the rain and the fact that it was dark outside. § 87(2)(b) did not recall if the officers used any additional force against him besides the possible baton strike, but said it was possible because he sustained minor bruising and swelling on his left shoulder, back and buttocks (Board Review 28- Board Review 31).

§ 87(2)(b) while heading to one of the train stations in the vicinity of Borough Hall, approached a uniformed white shirt officer, and tried to explain what had transpired between him and the four unidentified officers. The uniformed white shirt officer, who § 87(2)(b) only described as a white man, 5’7” tall, and heavyset, said to § 87(2)(b) “Don’t fucking talk to me,” and walked away. § 87(2)(b) did not recall the exact location he interacted with the uniformed white shirt

officer, nor did he think he could identify the officer if he saw a photo of him. § 87(2)(b) returned home and shared his experiences on Twitter (Board Review 32). He also wrote an article about the incident for § 87(2)(b) (Board Review 33) and granted a number of interviews to a number of radios, T.V, and newspaper sites (Board Review 34-Board Review 38). A friend of § 87(2)(b), who read § 87(2)(b)'s tweet, later that same night found § 87(2)(b)'s bicycle "abandoned" in the vicinity of Borough Hall Park, and subsequently returned the bicycle to § 87(2)(b)'s bicycle was not damaged as a result of this incident.

§ 87(2)(b) (Board Review 39), who witnessed and recorded portions of this incident on her cellphone, and who together with § 87(2)(b), said they and a large crowd of protestors were ordered to leave the protest by a large group of officers, most of whom wielded batons, and acted "aggressively" towards civilians. § 87(2)(b) and some of the protestors moved from the street, and walked through Borough Hall Park, and she acknowledged that a large group of officers followed and yelled at them to leave. At some point, § 87(2)(b) saw a group of officers rushing towards a man whom she did not know, identified via investigation as § 87(2)(b) (Board Review 40), who was standing underneath a food stand, and appeared to be unlocking his bicycle. The officers pulled § 87(2)(b) to the ground, and appeared to punch and "beat" § 87(2)(b) up. § 87(2)(b) who was approximately 10 feet away, did not see exactly what the officers did to § 87(2)(b) but said the officers appeared to use excessive force against § 87(2)(b). She did not know why the officers approached and used force against § 87(2)(b) nor did she know how the incident ended because another officer, identified via investigation as PO Joseph McDonald of the 60<sup>th</sup> Precinct, approached and ordered her out of the park while she was recording. § 87(2)(b) could not describe the officers who allegedly used force against § 87(2)(b) except that they all appeared to be men, that one was dressed in a uniformed white shirt, while the others were dressed in dark uniforms. § 87(2)(b) could not identify the officers if she saw photos of them.

§ 87(2)(g). She said the uniformed white shirt officer appeared to be on top of § 87(2)(b) and appeared to press his knee on § 87(2)(b)'s upper back and shoulder, while one of the uniformed officers appeared to kick § 87(2)(b) in the torso approximately two times. Another officer also appeared to strike § 87(2)(b) with a baton at least two times, while the fourth officer appeared to punch § 87(2)(b) with a closed fist, but § 87(2)(b) did not know where the baton strike and punch landed on § 87(2)(b)'s body. She also could not provide any additional descriptions for the officers, and could not identify them if she saw photos of them.

### **BWC and other video**

§ 87(2)(b) provided one cellphone video she recorded from the protest (Board Review 03). The footage opens with a large crowd of civilians and uniformed officers on the sidewalk in front of Borough Hall and it appears to be raining. The officers and the civilians are not clearly visible in the camera, and the images are quite blurry possibly due to the rain and the fact that § 87(2)(b) appears to be walking fast whilst recording. The officers and the protestors appear to be walking through Borough Park. At 00:42, some of the officers, including PO McDonald, identified via investigation, appear to be holding their batons horizontally in both hands, and are walking behind a crowd of protestors in the park. At 01:00, an officer appears to point towards § 87(2)(b) and she begins to run briefly, but stops and continues to walk. At 01:23, § 87(2)(b) pans the camera to her right, and captures what appears to be approximately four uniformed officers, including an officer wearing a uniformed white shirt, rushing towards what appears to be a concrete food stand, erected on the park, and approaching someone, identified via investigation as § 87(2)(b) who is standing by what appears to be a bicycle. § 87(2)(b) is not clearly visible in the video. At 01:24, two of the officers appear to be on the ground and on top of § 87(2)(b) while the remaining two officers appear to crouch over § 87(2)(b). At 01:25, one of the officers swings what appears to be a baton downwards towards the ground. It is unclear from the video if the baton strikes § 87(2)(b). Another

officer, who appears to be on top of § 87(2)(b) also appears to move his closed fist downwards at least two times, and appears to strike § 87(2)(b)'s back or midsection. At 01:27, an officer also appears to kick his right leg towards what appears to be § 87(2)(b)'s upper body. At 01:28, § 87(2)(b) who is standing approximately six to eight feet away, slightly pans the camera away from the officers and § 87(2)(b). An officer is then heard in the background ordering § 87(2)(b) to move back. At 01:29, § 87(2)(b) pans the camera forward, and captures PO McDonald standing between § 87(2)(b) and the four officers using force against § 87(2)(b). PO McDonald has his back towards the four officers and § 87(2)(b) and is holding his baton horizontally in both hands. At 01:30, PO McDonald yells and orders § 87(2)(b) to move back. § 87(2)(b) pans the camera away from the officers, and appears to exit the park. A large group of officers continue to follow § 87(2)(b) and the other protestors in the video.

Ninety-one additional cellphone videos were obtained from multiple social media accounts of civilians who were at the protest (Board Review 04 -Board Review 15), but none depicts this incident or any of the allegations in this case. The videos mostly show a large crowd of protestors and police officers on Cadman Plaza and marching south towards Borough Hall. The quality of most of these videos were often poor due to the rain, the rapid movements, and chaotic nature of the protest.

Six surveillance cameras (Board Review 16) videos were received from 16 Court Street in Brooklyn, which is approximately 200 feet from Brooklyn Borough Hall, but none of the videos depict the incident or allegations in this case.

A total of 17 BWCs were received in relation to the protest at Cadman Plaza and Brooklyn Borough Hall. None of the footage, including PO Joseph McDonald's BWC, capture the in allegations in this case (Board Review 17 – Board Review 23). PO McDonald's BWC (Board Review 19), shows him and a large group of uniformed officers on the sidewalk in front of Borough Hall and walking towards Borough Hall Park. It is dark outside, and it appears to be raining. At 00:06, a large crowd of protestors walk past the officers and appear to head south towards Borough Hall Park. Some of the protestors appear to be riding bicycles, but they are not close enough in the camera frame to identify. The officers, many of whom are holding batons, walk behind and besides the protestors. At 00:52, an unidentified protestor (not § 87(2)(b) wearing a white shirt and dark pants, and who is pushing a bicycle, appears to swing the bicycle towards a group of officers. At 02:02, a large crowd of officers and protestors walk through what appears to be Borough Hall Park. It is very dark outside, and that coupled with the rain makes the quality of the footage very poor. At 02:15, some protestors yell, "Oh my God" in the background. At 02:19, PO McDonald runs towards what appears to be a concrete food stand, located on his left, and stands in front of the stand. The stand appears to be approximately 10 to 20 feet from an approximately three foot fence that separates the park and a sidewalk on Joralemon Street. It is unclear from the footage why PO McDonald runs and stands in front of the food stand. At 02:23, PO McDonald, who has his back towards the food stand, yells and instructs a group of protestors, including § 87(2)(b) and § 87(2)(b) identified via investigation, who are standing approximately three feet away from him, to move back. PO McDonald then follows the protestors out of the park, and together with a large group of officers form a straight line at the intersection of Joralemon Street and Boerum Place, which is approximately 15 feet away from the park. PO McDonald keeps his back to the stand and his BWC does not depict the incident between § 87(2)(b) and the unidentified officers. The quality of PO McDonald's BWC is poor enough that it is unclear whether § 87(2)(b) or any of the officers who used force against him ever appear in the footage.

The remaining 16 BWCs were recorded by PO James Kramar from the 94<sup>th</sup> Precinct, Sgt. Paul Aparo from the 77<sup>th</sup> Precinct, PO Nathaniel Lester of the 77<sup>th</sup> Precinct Detective Squad, Det. Reynaldo Gonzalez from the 84<sup>th</sup> Precinct Detective Squad, PO Dillan Krasteff of the 84<sup>th</sup> Precinct, PO Jan Rogowski from the Community Affairs Bureau, PO Justin Palladino from the 44<sup>th</sup> Precinct, PO James Mills from the 67<sup>th</sup> Precinct, and PO Maxine Archange from the 60<sup>th</sup> Precinct, but none depict the incident and allegations in this case, and the quality of the videos is often poor that it



difficult to make out any of the civilians or officers in the footage.

The above videos establish that hundreds of officers from multiple commands were at the protest at Cadman Plaza and Borough Hall, but additional requests for BWC, including search parameters that included the two locations and its vicinities, the above identified commands, Strategic Response Groups (SRG), Disorder Control Unit (DCU), and the Critical Response Command (CRC), all yielded negative results (Board Review 42- Board Review 43). Requests for mounted and handheld TARU videos also yielded negative results (Board Review 44 – Board Review 45).

### **NYPD documents reviewed**

The New York City police precincts map revealed that Cadman Plaza and Brooklyn Borough Hall are squarely within the confines of the 84<sup>th</sup> Precinct and Patrol Borough Brooklyn North (PBBN), and do not border any other precincts (Board Review 46). The detail roster for PBBN on the incident date revealed that approximately 183 officers from almost every police precinct and specialized command in the City were assigned to protest assignments in the borough (Brooklyn North). The roster further revealed that a total of approximately 30 officers from the 75<sup>th</sup>, 79<sup>th</sup>, 81<sup>st</sup>, and 88<sup>th</sup> Precincts were assigned to details in the vicinity of Cadman Plaza (Board Review 47). The detail roster for the 84<sup>th</sup> Precinct revealed that approximately 10 officers from the 84<sup>th</sup> Precinct were assigned to “Park detail” on Brooklyn Bridge, which is approximately 0.2 miles away from Cadman Plaza. The roster does not list any specific post assignments relating to Cadman Plaza or Borough Hall (Board Review 48). The detail roster for the 79<sup>th</sup> Precinct revealed that approximately 12 officers from the 79<sup>th</sup> Precinct were assigned to the protest on Cadman Plaza (Board Review 49). The 84<sup>th</sup> Precinct summons log (Board Review 01) revealed that a total of approximately 12 summonses were issued in the vicinity of Cadman Plaza in relation to the violation of the curfew. The summonses were issued by six officers assigned to the 81<sup>st</sup> Precinct, three of whom were listed on the detail roster for PBBN. The Mass Arrest Processing Log from Brooklyn Central Booking (Board Review 02) also revealed that an additional nine arrests related to the curfew were made in the vicinity of Cadman Plaza on the incident date, and that the arrests were made by a total of six officers, two of whom were listed on the detailed roster of PBBN. None of the 17 BWCs received belonged to any of the officers listed on the three detail rosters, or the summons and mass arrest processing logs. There were also no TRIs, AIDEDs, or stop reports prepared in relation to the protest (Board Review 51 -Board Review 54).

The investigation was able to create a pool of approximately 135 potential officers based on the cellphone and BWC videos received (Board Review 55- Board Review 60), and the above referenced detailed rosters, summons and mass arrest processing logs. From this pool, the then Command Officer of PBBN, Chief Jeffery Maddrey, appears to be the highest ranking officer who was present at the location, but as detailed above, the difficulty in identifying additional officers due to poor quality videos, an unusually small number of BWC videos in relation to the number of officers on scene, and poor recordkeeping of police documentary evidence, does not make this pool of potential officers an accurate and fair record in determining the scope of officers who were on scene. Given this, and that the footage § 87(2)(b) provided was too blurry to identify any of the subject officers, and coupled with the fact that § 87(2)(b) and § 87(2)(b) provided poor or no descriptions of the subject officers, the investigation was unable to narrow down this pool of officers.

### **Concurrent Investigations**

Sixteen CCRB investigations were generated in relation to incidents in or near the area related to the protest at Cadman Plaza, § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### **Ranking Officers**

From the above-mentioned pool of officers, Chief Maddrey, appears to be the highest-ranking officer who was present at the location.

### **Officers Interviewed**

PO McDonald (Board Review 62) was interviewed in relation to this incident. He said he was the van operator for a team of approximately seven uniformed officers from the 60<sup>th</sup> Precinct, who were assigned as a mobile response team, and were tasked with responding to requests for additional units at various locations within the City. Other than his supervisor, PO McDonald did not recall who was in the van. PO McDonald said that the leader of team, Sgt. Ahmed Shohatee, often instructed him where to drive the team, and that Sgt. Shohatee often communicated with other supervisors via cellphone and radio transmission. PO McDonald did not recall how the team was alerted to the protest at Cadman Plaza, but said Sgt. Shohatee instructed him to drive to the location, and said a request had been made for additional units to assist with dispersing a large disorderly group who were in violation of the Mayor's curfew, and were refusing to leave. PO McDonald did not know who relayed the information about the protest at Cadman Plaza to Sgt. Shohatee, nor did he recall if any additional information was provided. Upon arrival, PO McDonald saw a large crowd of protestors and officers in the streets and on the sidewalk. The officers appeared to have cleared out portions of the street, and had formed a straight line in the street to prevent the protestors from returning to the street, which had been cleared out. The majority of the protestors, many of whom were yelling and chanting protest slogans, appeared to be heading towards Borough Hall. Sgt. Shohatee, PO McDonald, and the officers in the van exited and approached the large group of officers, who appeared to have come from multiple precincts and specialized commands. PO McDonald did not remember any of the other commands that were on scene, nor did he know if there were any specific officers who were responsible for overseeing the actions of all the officers on scene, but said there were "many white shirts and bosses" on scene. PO McDonald, however, could not describe or name any of the higher ranking officers on scene, nor did he recall seeing Chief Maddrey on scene. PO McDonald and the other officers from his van joined other officers in forming straight lines at multiple streets in the vicinity of Cadman Plaza, but did not recall exactly where he was positioned, nor did he recall being ordered to form the line, but said he observed other officers form lines, and thus did the same. The line formation was not organized by command, but involved officers from multiple commands in the same line. None of the officers from PO McDonald's van were in his line formation. The officers stood in line for some time, while a curfew message played in the background. The officers then began to walk behind the protestors and ordered them to leave the location. PO McDonald did not recall receiving any instruction from any supervisor on scene about the curfew, nor did he recall receiving any instructions from Sgt. Shohatee at any point during this incident. He also did not recall receiving any intelligence regarding the protest at the location, nor did he recall having any concerns about protestors with bicycles or backpacks, but said officers were generally on the lookout for anything that potentially could be used to harm officers. PO McDonald did not recall receiving any instructions about seizing bicycles, searching backpacks, or the type and nature of force to use against protestors. At some point, it began to rain, and the officers moved more quickly towards the protestors, and ordered them to leave. Some of the protestors fought and threw objects at the officers, while others ran. The situation became more chaotic as it rained heavily. PO McDonald did not recall much of what transpired, but said some of the officers began making arrests, and that the protestors also became more violent. PO McDonald observed at least one protestor, who PO McDonald did not clearly see, swing their bicycle towards a group of officers in the street. The officers who were closest to the protestor, who PO McDonald could not clearly see, grabbed that protestor. PO McDonald, however, did not see what transpired after the officers grabbed the unidentified protestor, and said he moved to the sidewalk in front of Borough Hall, and together with some other officers ordered a large group of protestors to leave the scene. PO McDonald and

the officers followed the protestors while they made their way towards the Borough Hall Park. At some point, PO McDonald saw a group of protestors attempting to approach a group of officers, who appeared to be struggling with someone, identified via investigation as § 87(2)(b) underneath a concrete food stand in the park. PO McDonald did not witness the initial interaction between the officers and § 87(2)(b) nor did he clearly see what was transpiring underneath the stand, except that officers appeared to have brought § 87(2)(b) to the ground and were struggling with him. PO McDonald, who was approximately five to six feet away, quickly rushed and in front of the officers and § 87(2)(b) and ordered the protestors who were attempting to approach to move back. PO McDonald did not know the officers who were interacting with § 87(2)(b) nor could he describe them, but said he approached to create a safe perimeter between the officers and the approaching protestors, and that he assumed the officers were taking some sort of law enforcement action against § 87(2)(b). PO McDonald had his back towards § 87(2)(b) and the officers, and thus did not see what transpired after he approached. He continued walking and clearing protestors out of the park a few seconds after he approached and stood in front of the officers and § 87(2)(b) and thus did not know what type of force, if any, the officers used against § 87(2)(b) nor did he see any of the officers kick, punch, or strike § 87(2)(b) with a baton. He also did not recall hearing any of the officers use profanities towards § 87(2)(b) did not see them search § 87(2)(b)'s backpack, nor did he see them seize § 87(2)(b)'s bicycle. PO McDonald also did not see or interact with the officers, neither were they from his command. PO Rosen acknowledged that other officers might have witnessed this incident, but did not know nor could he describe any other officers in the park. PO McDonald did not see any of the officers from his van in the park, nor did he know their whereabouts during this incident.

Chief Maddrey (Board Review 63) and PO Lester (Board Review 64) were also interviewed, but neither had any recollection of this incident, and denied participating in or witnessing the allegations in the case. Chief Maddrey acknowledged that he was the overall supervisor for all the PBBN field forces on scene, but said there were other “top executives” from other commands on scene. He, however, did not recall, which other supervisors were on scene, nor did he recall how many PBBN field forces were mobilized that day. Chief Maddrey did not recall giving any instructions to any of the supervisors or officers on scene, but said it was possible he might have informed some of the executives from PBBN to order their officers to form lines on sections of multiple streets where officers did not want protestors to converge. He also said he might have also informed the supervisors of the PBBN field forces to “use their judgement,” and discretion in terms of allowing exceptions to the curfew order, and not to arrest protestors solely for curfew violations. Chief Maddrey did not recall giving instructions to officers from other commands. Chief Maddrey did not instruct officers to seize bicycles, search backpacks, use force including baton strikes, kicks and punches, against any protestor, nor did he witness any other supervisor on scene do so. He did not recall hearing any officer use profanities or make offensive remarks towards any protestor on scene.

### **Allegation Recitation and Disposition**

**Allegation (A) Force: At the Borough Hall Plaza Park in Brooklyn, officers struck § 87(2)(b) with a baton.**

**Allegation (B) Force: At the Borough Hall Plaza Park in Brooklyn, officers used physical force against § 87(2)(b)**

**Allegation (C) Discourtesy: At the Borough Hall Plaza Park in Brooklyn, an officer acted discourteously towards § 87(2)(b)**

**Allegation (D) Abuse of Authority: At the Borough Hall Plaza Park in Brooklyn, an officer searched § 87(2)(b)'s backpack.**

**Allegation (E) Discourtesy: At the Borough Hall Plaza Park in Brooklyn, an officer spoke discourteously to § 87(2)(b)**

**Allegation (F) Offensive Language: At the Borough Hall Plaza Park in Brooklyn, an officer made remarks to § 87(2)(b) based on his gender.**

**Allegation (G) Abuse of Authority: At the Borough Hall Plaza Park in Brooklyn, officers seized § 87(2)(b)'s property.**

**Allegation (H) Discourtesy: In the vicinity of Borough Hall Plaza Park in Brooklyn, an officer spoke discourteously to § 87(2)(b).**

Absent detailed descriptions of the subject officers, additional video or documentary evidence, the investigation was unable to identify the officers who used force against § 87(2)(b) struck him with a baton, searched his backpack, or made profane and offensive remarks towards him. Additionally, the investigation was unable to determine the commands of the subject officers, and thus consequently could not establish whether the officers were acting on the instructions of Chief Maddrey or any other supervisor. § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 65).

- § 87(2)(b)  
§ 87(2)(b)  
■ § 87(2)(b)  
■ § 87(2)(b)  
■ § 87(2)(b)  
■ § 87(2)(b)

#### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of April 26, 2021, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complaint (Board Review 67).

- § 87(2)(b)  
§ 87(2)(b)
- § 87(2)(b)  
§ 87(2)(b)

Squad No.: 1

Investigator:	<u>Enoch Sowah</u>	<u>Inv. Sowah</u>	<u>05/12/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>5.13.21</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date